

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION - BAY CITY

In Re:

Andrea Monique Laury

Debtor, /

Andrea Monique Laury

Plaintiff,

vs.

OneMain Financial Inc.

Defendant, /

Case No. 23-21267

Chapter 13

Hon. Daniel S. Opperman

Adv. Pro. No. 24-2001

ORDER GRANTING MOTION TO DISMISS

On January 26, 2024, an entity named NDF1, LLC filed a motion to dismiss this adversary proceeding alleging that Plaintiff named the incorrect defendant as OneMain Financial Inc. The Clerk of the Court entered a default against Defendant OneMain Financial Inc. on February 12, 2024. Pursuant to L.B.R. 7055-1 (E.D.M.), the deadline to file an application for the entry of a default judgment and submit a proposed default judgment is 14 days after the clerk has entered the opposing party's default. More than 14 days have passed since the clerk's default was entered and, to date, a motion for default judgment has not been filed and/or a proposed default judgment has not been submitted through the proposed orders program in accordance with ECF Procedure #7. It subsequently came to the Court's attention that a response to the motion to dismiss was not filed, so out of an abundance of caution the Court entered an order on February 27, 2024, setting a deadline of March 13, 2024, to file a response to the motion to dismiss. No response to the motion to dismiss was filed by March 13, 2024. With the record before the Court, the Court concludes that Plaintiff has not named the correct defendant so this adversary proceeding should be dismissed.

IT IS HEREBY ORDERED that the Motion to Dismiss is GRANTED and this adversary proceeding is DISMISSED. The Clerk of the Court may close this adversary proceeding.

Signed on March 15, 2024



/s/ Daniel S. Opperman

Daniel S. Opperman
United States Bankruptcy Judge